

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1647

WOLFE ET AL.

Examiner: Jegatheesan Seharaseyon

APPLICATION NO: 10/035,420

FILED: OCTOBER 25, 2001

FOR: METHODS OF PROTEIN PURIFICATION RECOVERY

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Novartis Vaccines and Diagnostics, Inc., having a place of business at 4560 Horton Street, Emeryville, CA 94608-2916, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of assignments which were recorded in the United States Patent and Trademark Office on September 10, 2001, at Reel/Frame 012148/0529, March 25, 2002 at Reel/Frame 012722/0248 and on March 25, 2002 at Reel/Frame 012730/0391 and by a Certificate of Merger recorded on May 5, 2008, at Reel/Frame 020899/0482.

Novartis Vaccines and Diagnostics, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173, as presently shortened by any terminal disclaimer, of prior **Patent No. 7,399,463** issued July 15, 2008. Said Patent No. 7,399,463 is also assigned to Novartis Vaccines and Diagnostics, Inc. by virtue of assignments which were recorded in the United States Patent and Trademark Office on April 1, 2002 at Reel/Frame 012772/0323, April 1, 2002 at Reel/Frame 012758/0809 and September 10, 2001 at Reel/Frame 012144/0913 and by the Certificate of Merger recorded on October 1, 2007 at Reel/Frame 019899/0387.

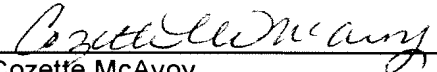
Novartis Vaccines and Diagnostics, Inc. hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and prior Patent No. 7,399,463 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Novartis Vaccines and Diagnostics, Inc. does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of prior Patent No. 7,399,463, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 15th day of July, 2008 by the undersigned attorney of record.

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